

Notice of Allowability

Application No.

10/736,452

Examiner

KUEN S. LU

Applicant(s)

BOBROVSKIY ET AL.

Art Unit

2169

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed 9/18/2008.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 9/24/08.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. The Action is responsive to Applicant's Amendment filed September 18, 2008.
2. It is acknowledged that the Amendment amended claims 1, 12-13 and 24.
3. After a thorough search and examination of the present application, and in light of the following:

prior art searched and reviewed;

Examiner's Amendments made September 24, 2008 that was authorized to amend claim 13; and

a update search on prior art conducted in domains (EAST, NPL-ACM, Google, NPL-IEEE, etc);

Claims 1-24 are allowed.

Examiner's Amendments

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Proposal of this Examiner's Amendments as listed below was presented on September 24, 2008 in a telephone interview with Mr. Adam L. K. Philipp (Registration 42,071). The proposed Amendments were authorized on September 24, 2008.

- 4.1. Please amend claim 13 as follows:

13. (Currently Amended) A machine readable storage medium having machine executable instructions, which when executed on a consumer digital content playback device operate to implement a method comprising:

receiving one or more data streams from each of one or more presentation sources within a presentation;

creating within a container file, a virtual file for each of the one or more presentation sources;

temporarily storing first data associated with a first data stream of a first presentation source in association with a first virtual file corresponding to the presentation source;

determining a container file size of the container file;

temporarily storing additional data from the first data stream in place of at least a portion of the first data if the container file size is within a predetermined range of an identified maximum buffer size; and

receiving a user indication identifying a location corresponding to a time (T) within the presentation;

identifying a seek position for each virtual file; and

contemporaneously rendering in real-time, data stored in each virtual file at the respective seek positions.

Reason for Allowable

5. The following is the Examiner's statement of reasons for allowance:

In the Examiner's Office Action, dated July 18, 2008, the Final Rejection under 35 U.S.C. § 103 rejections was made mainly based on the reference over Clements et al.: U.S. Patent Application Publication 2002/0147739, filed 4/10/2001 and published 10/10/2002, hereafter "Clements"; and in view of Plourde, JR. et al.: U.S. Patent Application Publication 2003/0110504, , filed 12/6/2001 and published 6/12/2003, hereafter "Plourde").

In a response to the Office Action of April 17, 2008, Applicant argued, specifically, that none of the prior art of record, alone or in combination, teaches or suggests, "receiving a user indication identifying a location corresponding to a time (T) within the presentation; identifying a seek position for each virtual file; and contemporaneously rendering in real-time, data stored in each virtual file at the respective seek positions," as claimed and currently amended in Claims 1 and 13.

Based on the arguments and subject matter as described above, and a further review of the subject matter of each independent claim, Examiner is persuaded that features described and highlighted below is distinctive from prior art on spreadsheet data source binding, linking or updating:

temporarily storing additional data from the first data stream in place of at least a portion of the first data if the container file size is within a predetermined range of an identified maximum buffer size; and

receiving a user indication identifying a location corresponding to a time (T) within the presentation;
identifying a seek position for each virtual file; and
contemporaneously rendering in real-time, data stored in each virtual file at the respective seek positions.

An update search on prior art in domains (EAST, NPL-ACM, Google, NPL-IEEE, etc) has been conducted. The prior art searched and investigated in the domains (EAST, NPL-ACM, Google, NPL-IEEE, etc) do not fairly teach or suggest teaching of the subject matter as described and highlighted above and disclosed in each of the independent claims 1 and 13.

Claims (2-12) and (14-24) are directly or indirectly dependent upon the independent claims 1 and 13, respectively, and are also distinct from the prior arts for the same reason.

After a search and a thorough examination of the present Application and in light of the prior art, Claims 1-24 are allowed.

Conclusions

6. Any comments considered necessary by Applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Contact Information

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to KUEN S. LU whose telephone number is (571)-272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Pierre Vital can be reached on (571)-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KUEN S. LU
Primary Patent Examiner

Art Unit 2169
October 2, 2008

Art Unit: 2169

/Kuen S Lu/

Primary Examiner, Art Unit 2169